

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

PAUL BARRACLIFFE, II,

Plaintiff,

VS.

SNOHOMISH COUNTY SHERIFF ADAM FORTNEY, and his marital community; *et al.*,

## Defendants.

NO. C20-1024-RSL

ORDER GRANTING DEFENDANT  
SNOHOMISH COUNTY, FORTNEY,  
SMARR, SMITH, AND HARRIS'S MOTION  
TO COMPEL RULE 35 PSYCHOLOGICAL  
EVALUATION OF PLAINTIFF PAUL  
BARRACLIFFE, II

## ORDER

This matter came before the Court on Defendant Snohomish County, Fortney, Smarr, Smith, and Harris's Motion to Compel a Federal Rule of Civil Procedure 35 psychological examination of Plaintiff Paul Barracliffe II, by licensed psychologist Dr. Evan Freedman. Plaintiff has not opposed the motion. It is, therefore, GRANTED. The Court finds that Plaintiff's mental condition is in controversy and good cause exists to order a Rule 35 examination. The examination of Plaintiff Paul Barracliffe II by Dr. Evan Freedman, shall take place on:

ORDER GRANTING DEFENDANTS' MOTION TO COMPEL  
FRCP 35 PSYCHOLOGICAL EVALUATION OF PLAINTIFF - 1  
(C20-1024-RSL)

1 Date: Tuesday July 6, 2021  
2 Time: 8:00 a.m. PST  
3 Location: Via remote video conferencing as set forth below

4 1. The examination shall include the remote administration of the MMPI-2 and  
5 interviews with the Plaintiff. In advance of the examination, Dr. Freedman shall send an email  
6 to Plaintiff including the hyperlink to the remote interview. The hyperlink shall be sent to the  
7 following e-mail addresses:

8 [freefoodpaul@gmail.com](mailto:freefoodpaul@gmail.com)

9 Dr. Freedman will send to the Plaintiff only a hyperlink to the MMPI-2. After administration of  
10 the MMPI-2, the examination shall consist of further interview and the remote administration of  
11 no more than four (4) additional psychological tests, at the sole discretion of the examiner. Any  
12 such remote additional psychological tests shall be sent by hyperlink only to the Plaintiff. Both  
13 the first and second portions of the examination combined shall not exceed eight (8) hours,  
14 excluding reasonable breaks.

15 2. The examination shall be audio and/or video recorded by the examiner only. No  
16 party or representative of a party may record the examination by any means.

17 3. No party shall be permitted to have a representative present during testing(s).  
18 During the interview portions of the examination, Plaintiff may have a representative present.  
19 The representative shall observe via remote video conferencing only and shall not be in the same  
20 room with Plaintiff. The representative shall remain silent at all times during the interview.

21 4. Plaintiff will not use any communication device during testing other than those  
22 used to facilitate the testing and interview. During testing and interview, no one will  
23 communicate with Plaintiff except for Dr. Freedman. This includes, but is not limited to, instant

1 messaging, text messaging, or any equivalent. In the event any such communications occur, the  
2 parties agree that the communications are discoverable. Plaintiff must have a webcam-equipped  
3 device (such as a desktop, laptop, or tablet), and a device with audio-capabilities, and must be  
4 seen and heard at all times during testing and interview. Defendants shall be responsible for  
5 ensuring that Plaintiff has access to the required equipment during testing and interview and that  
6 any equipment checks or equipment tests have been completed prior to the testing and interview.  
7 Disruptions due to video streaming, phone line interruption, or other technical problems shall  
8 not be counted against the time allocated for the testing and interview.

9  
10 5. Seven (7) days prior to the examination, Plaintiff Barracliffe shall inform  
11 Defendants' counsel via e-mail of the name of the representative, if any, the representative's  
12 relationship to Plaintiff, and the email to which the hyperlink to the remote interview shall be  
13 sent for that person. Defense counsel will inform the examiner of the name and e-mail of  
14 Plaintiff's representative prior to the examination.  
15

16 6. Defendants shall deliver to Plaintiff a copy of Dr. Freedman's report no later than  
17 September 6, 2021.

18 7. Pursuant to FRCP 35(b)(2), the report must be in writing and must set out in detail  
19 the examiner's findings, including diagnoses and conclusions.  
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21 Dated this 29th day of June, 2021.

22 \_\_\_\_\_  
23 *Robert S. Lasnik*  
24 Robert S. Lasnik  
United States District Court Judge  
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